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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,408	04/03/2001	Hiroyasu Kurashina	81752.0105	5020

26021 7590 10/20/2005

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EXAMINER

MILIA, MARK R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/826,408

Applicant(s)

KURASHINA, HIROYASU

Examiner

Mark R. Milia

Art Unit

2622

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 15 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached explanation.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment/remarks were received on 9/15/05 and have been entered and made of record. Currently, claims 1-37 and 41-43 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 9/19/05 have been fully considered but they are not persuasive.
3. In response to applicant's arguments regarding the Final Rejection dated 6/16/05, wherein on pages 11-14, the applicant explains how the current invention differs from the teachings of Furuya and asserts that the phrase "desired configuration information" as recited in claim 1 is sufficient to determine what kind of information is being claimed. Particularly, the applicant states that the current invention has, for example, a tape cartridge that has an attached detection label that contains desired configuration information, the desired configuration information being information in which the user can set, as he/she desires. The examiner agrees with applicant, in that the desired configuration information, which is set by a user, and the type of information contained in the desired configuration information, is different than what Furuya teaches. However, this difference is not apparent in the current claim wording. The

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explanation of the "desired configuration information" is not sufficient to clearly determine what kind of information is being claimed. Applicant's arguments are based solely upon reference to the specification, in which a more detailed explanation of desired configuration information is located, but the wording of the particular claim gives way to a much broader interpretation of desired configuration information. The examiner must give the claims their broadest reasonable interpretation, see MPEP 2111. The current claim language does not distinguish the type of desired configuration information and one of ordinary skill in the art cannot reasonably understand the scope of claim 1 without such specification. Further, it is not clear from the current claim language as to the limits of the configuration information. For example, currently claim 1 can be interpreted as having the ability to input desired tape cartridge configuration information of any kind, of which ink color can be assumed to be a part of, and if a user would like to set the color of the ink to red and print a to-be-detected image label that is to be placed on the cartridge for further detection purposes representing that the cartridge will print in red ink but the ink cartridge is only capable of printing in black ink then the desired information will not be realized by any tape printer and therefore the desired configuration information would not be utilized. Also, the examiner would like to point out that claims are to be read in light of the specification but the limitations of the specification should not be read into the claims, see MPEP 2111. Therefore, Furuya can still be interpreted as having a tape cartridge that has an attached detection label that contains desired configuration information. Support for this can be found in paragraphs [0034]-[0035] and [0043]-[0045] of Furuya. In these paragraphs Furuya

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discloses a tape cartridge that has an attached detection label containing desired configuration information pertaining to printing information, specification information, ink color information, and the like. Information can also be set by the user using the tape writer (10) and printed on the display seal (5) that can be attached to the tape cartridge.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRM

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